

AG Contract No. KR96-1506-TRN
ADOT ECS File No. JPA 96-86
Project: 951-1-503/H3666 01C
Section: I-10B, Park Ave -
Country Club

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF TUCSON

THIS AGREEMENT is entered into June, 1997,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-
954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and the
CITY OF TUCSON, acting by and through its MAYOR and CITY COUNCIL
(the "City").

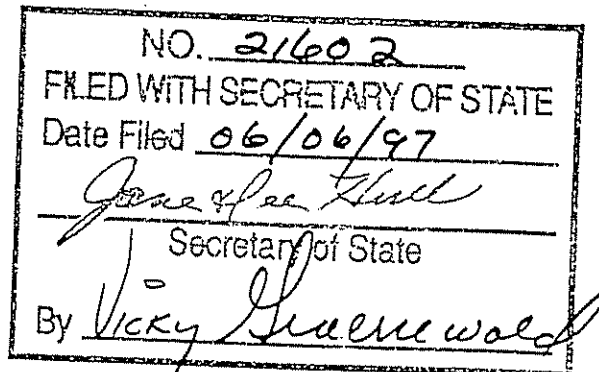
I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The City is empowered by Arizona Revised Statutes
Section 48-572 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has authorized
the undersigned to execute this agreement on behalf of the City.

3. Incident to a highway improvement project on I-10B from
Park Avenue to Valencia Road contemplated by the State in the
City, the State and the City have agreed that upon completion of
the project the State will abandon ownership jurisdiction and
maintenance responsibility and transfer to the City I-10B within
the City limits from Park Avenue to Country Club Road.

THEREFORE, in consideration of the mutual agreements expressed
herein, it is agreed as follows:



II. SCOPE

1. The State will:

a. Provide to State standards design plans, specifications and such other documents and services required for the I-10B improvement project suitable for construction bidding and construction. Incorporate City review comments as appropriate.

b. Call for bids and award one or more construction contracts for the project. Administer same and make all payments to the contractor. Be responsible for any contractor claims for extra compensation.

c. Upon completion, approve and accept the project improvements as complete.

e. Upon completion of the project improvements, and upon approval of and by resolution of the Transportation Board, abandon ownership jurisdiction and maintenance responsibility for I-10B within the City limits from Park Avenue to Country Club Road to the City.

2. The City will:

a. Review the design documents and provide comments.

b. Waive the requirements of Arizona Revised Statutes Section 28-106.

c. Upon approval of and by resolution of the City Council, accept jurisdiction and maintenance responsibility for the roadway on I-10B within the City limits from Park Avenue to Country Club Road.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said improvements and abandonment; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Tucson
Transportation Director
Box 27210
Tucson, AZ 85726-7210

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.


IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF TUCSON


STATE OF ARIZONA

Department of Transportation

By 
GEORGE MILLER
Mayor

By 
EDWARD D. WRIGHT
Deputy State Engineer

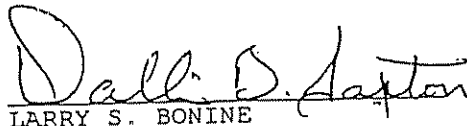
ATTEST

By 
KATHLEEN S. DETRICK
City Clerk

RESOLUTION

BE IT RESOLVED on this 1st day of July 1996, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Tucson for the purpose of defining responsibilities for the construction of improvements and the turnback to the City of I-10B from Park Avenue to Valencia Road.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.


for LARRY S. BONINE
Director

ADOPTED BY THE
MAYOR AND COUNCIL

MAY 12 1997

RESOLUTION NO. 17631

RELATING TO INTERGOVERNMENTAL AGREEMENTS; APPROVING AND
AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL
AGREEMENT WITH THE STATE OF ARIZONA DEPARTMENT OF
TRANSPORTATION FOR CONSTRUCTION, OWNERSHIP
JURISDICTION AND MAINTENANCE RESPONSIBILITY FOR BENSON
HIGHWAY (I-10B), PARK AVENUE TO COUNTRY CLUB ROAD.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF
TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Intergovernmental Agreement with the State of Arizona
Department of Transportation for construction, ownership jurisdiction and
maintenance responsibility for Benson Highway (I-10B), Park Avenue to Country
Club Road, attached hereto, is approved.

SECTION 2. The Mayor is hereby authorized and directed to execute the
said Intergovernmental Agreement for and on behalf of the City of Tucson and
the City Clerk is authorized and directed to attest the same.

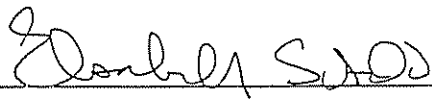
SECTION 3. The various City officers and employees are authorized and
directed to perform all acts necessary or desirable to give effect to this
resolution.

SECTION 4. WHEREAS, it is necessary for the preservation of the
peace, health and safety of the City of Tucson that this resolution become

APPROVAL OF THE TUCSON CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF TUCSON and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 25 day of April, 1997.


City Attorney



GRANT WOODS
ATTORNEY GENERAL

STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL
1275 WEST WASHINGTON. PHOENIX 85007-2926

TRN Main: (602) 542-1680
Direct: (602) 542-8837
Fax: (602) 542-3646
MAIN PHONE : 542-5025
TELECOPIER : 542-4085


INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR96-1506TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED June 2, 1997.

GRANT WOODS
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:cU5602